IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

MONDAY, THE TWENTY SECOND DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

**THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE**

**AND**
**THE HON'BLE SRI JUSTICE M.NARAYANA REDDY**

**WRIT APPEAL No.1798 of 2004**

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 02-11-2004 in W.P.No.20101 of 2004 on the file of the High Court.)

Between:

1.Syed Amanulla, S/o.Syed Abdul Kareem,
R/o. H.No.1-5-6/1, New Town, Mahabubnagar,
Mahabubnagar District.
2.Smt.Rehana Begum, W/o.Shaik Mahamood,
R/o. H.No.3-10-46, Rehmania Street, Mahabubnagar,
Mahabubnagar District.
3.Mohd.Easa, S/o.Mohd.Ismail,
R/o. H.No.1-5-18, New Town, Mahabubnagar,
Mahabubnagar District.

**..... APPELLANTS**

AND

1.The Commissioner, Mahabubnagar Municipality,
Mahabubnagar, Mahabubnagar District.
2.The District Collector, Mahabubnagar District, Mahabubnagar.
3.The Director of Town and Contrary Planning, Govt. of A.P., Masab Tank,
Hyderabad.

**.....RESPONDENTS**

Counsel for the Appellants: Mr.M.SUDHIR KUMAR

Counsel for Respondent No.1: Mr.R.THIMMA REDDY

Counsel for Respondent Nos.2 & 3: G.P. FOR MUNCIPAL ADMN. &

URBAN DEVELOPMENT.

**The Court at the admission stage made the following :**

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**ORAL JUDGMENT:** (per the Hon'ble the Chief Justice)

Writ petition filed by the appellant was dismissed by the learned single Judge. The said order is under challenge before us. In the writ petition, proceedings dated 4th August 2004 of the Commissioner, Mahbubnagar Municipality, by which he appraised the Collector & District Magistrate on the petitioners' complaint, was under challenge. By the said order, the Commissioner stated that he had inspected the site and found the plots falling in municipal land. First of all, the communication addressed by the Commissioner to the Collector is only an information and not a decision taken by the Municipality under any authority or law. It appears that the petitioners lodged the complaint addressed to the Collector & District Magistrate pointing out that, that land has been purchased on the basis of registered deeds, but the Municipality was undertaking construction and it was likely to encroach on their lands. Obviously, this letter was addressed to the Collector. In case, the Collector would find some substance in the complaint, he will only have the matter duly enquired into with reference to the documents of title and have the boundaries ascertained in case it is a boundary dispute or take appropriate decision in the matter. The Collector & District Magistrate has not taken any decision in the matter. The petitioners alleged that they are in possession of the plots in question which are subject matter of the present writ petition.

We allow the appeal and set aside the impugned order with direction to the Collector & District Magistrate, Mahbubnagar to hear the parties with reference to their documents of title and try to ascertain the boundaries and have them fixed in accordance with law, and till a decision is taken up by the District Collector & Magistrate, *status quo* as of today will continue to be maintained with regard to the properties in question.

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(DEVINDER GUPTA, C.J.)

22nd November 2004.

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(M. NARAYANA REDDY, J.)

ARS

To

1.The Commissioner, Mahabubnagar Municipality,
Mahabubnagar, Mahabubnagar District.
2.The District Collector, Mahabubnagar District, Mahabubnagar.
3.The Director of Town and Contrary Planning, Govt. of A.P., Masab Tank,
Hyderabad.

4.Two C.Cs. to Govt. Pleader for Muncipal Admn. & Urban Development, High Court Bldgs., Hyderabad (OUT).

5.Two CD copies.